

FILED

JUL 24 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRE DANGERFIELD,)	No. C 15-0396 LHK (PR)
)	
Plaintiff,)	ORDER TO RE-OPEN;
)	BRIEFING SCHEDULE
v.)	
)	
DEPUTY NEU, et al.,)	
)	
Defendants.)	

Plaintiff, a California state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On April 8, 2015, the court issued an order of service, and directed plaintiff to file a notice of his current address and his intent to prosecute within twenty days.¹ Plaintiff failed to respond to the court's order and this case was dismissed on May 21, 2015. On June 23, 2015, the court updated the docket to reflect the correct address for plaintiff and sent plaintiff the April 8, 2015 order and a current docket sheet.² In the interest of justice, the court exercises its discretion to **VACATE** the judgment and **REOPEN** this action.

The clerk of the court shall mail a copy of this order and of the court's order (docket no. 8) dated April 8, 2015 to plaintiff. Additionally, the clerk shall mail a copy of this order to defendants' counsel.

¹ Mail sent to plaintiff on March 12, 2015, had been returned to the court as undeliverable.

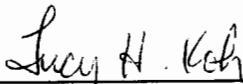
² Plaintiff's address had been incorrectly listed as 80 Bryant Street rather than 850 Bryant Street.

1 If plaintiff can cure the pleading deficiency specified in the courts order dated April 8,
2 2015, regarding Senior Deputy Brown, plaintiff shall file an **AMENDED COMPLAINT** within
3 **thirty (30) days** from the date this order is filed. The amended complaint must include the
4 caption and civil case number used in this order (C 15-0396 LHK (PR)) and the words
5 AMENDED COMPLAINT on the first page. Plaintiff may not incorporate material from the
6 prior complaint by reference. If plaintiff does not file an amended complaint within the time
7 specified, the court will proceed only on the excessive force claims against Deputy Neu and
8 Lieutenant Minor.

9 Defendants shall file an answer and a motion for summary judgment or other dispositive
10 motion **within sixty (60) days** from the date of this order. Plaintiff's opposition to the
11 dispositive motion shall be filed no later than **twenty-eight (28) days** from the date defendants'
12 motion is filed. Defendants shall file a reply brief no later than **fourteen (14) days** after
13 plaintiff's opposition is filed.

14 IT IS SO ORDERED.

15 DATED: 7/22/2015



LUCY H. KOH
United States District Judge